

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSFILED
CLERK'S OFFICE

JASON MacLEOD,)
Plaintiff,)
v.)
JOHN HEGGARTY, ET AL.,)
Defendants.)

05-10745-DPW

2005 APR 19 P 3:04

U.S. DISTRICT COURT
DISTRICT OF MASS

**THE DEFENDANTS, JOHN HEGGARTY'S AND TIMOTHY B. DUBE'S, ASSENTED
TO MOTION TO ENLARGE TIME FOR RESPONDING TO PLAINTIFF'S
COMPLAINT**

Now come the Defendants, John Heggarty and Timothy B. Dube (hereinafter, "the Defendants") and move this Honorable Court to extend the due date for submission of a responsive pleading to the Plaintiff's complaint to on or before May 9, 2005. As grounds for this Motion the Defendants state:

1. On or about March 16, 2005, the Plaintiff filed a complaint in Essex Superior Court against the Defendants.
2. Since the Defendants are employees of the City of Lawrence and since the City arguably had an obligation to provide representation to the Defendants in this matter, a letter was sent by Union counsel to the City inquiring as to whether or not the City would be representing the Defendants or if it wished to have Union counsel do so.
3. After receiving confirmation and approval from the City for the undersigned law firm to represent the Defendants in this matter, Union counsel attempted to contact the Defendants to advise them of such, receive their approval of same and to speak with them about the facts of this case and their receipt of the complaint.
4. On or about April 7, 2005, the Defendants filed a Notice Of Removal with the United States District Court for the District of Massachusetts in connection to the Plaintiff's complaint.

5. Due to the circuitous route by which the undersigned came to represent the Defendants and the subsequent filing of the Notice Of Removal, he was unable to file a responsive pleading to the Plaintiff's complaint within the time allotted by the Federal Rules of Civil Procedure.

6. Counsel spoke with Plaintiff's counsel, Richard N. Foley, Esquire, on Thursday, April 14, 2005, whom assented at such time to the instant Motion.

7. The allowance of the instant motion will not substantially delay the disposition of this matter.

WHEREFORE, the Defendants respectfully request that this Honorable Court grant the instant Motion and extend the time for filing a responsive pleading to the Plaintiff's complaint to May 9, 2005.

Respectfully submitted,
For the Defendants,
John Hegarty and Timothy B. Dube,
By their attorneys,

B. M. Maser
Matthew E. Dwyer (BBO# 139840)
Brian M. Maser (BBO# 655667)
Dwyer, Duddy and Facklam
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Date: April 18, 2005
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CERTIFICATE OF SERVICE

I, Brian M. Maser, do hereby certify that I have served a true and accurate copy of the foregoing document upon Richard N. Foley, Esquire, 414 State Street, Portsmouth, NH 03801, this 18th day of April, 2005.

B. M. Maser
Brian M. Maser